REMARKS

Claims 45-57 and 60-88 are pending, of which claims 45, 70, 75, 78 and 84 are independent. Favorable reconsideration and further examination are respectfully requested.

35 U.S.C. §103

Claims 45, 47-55, 60-73, and 75-76 were rejected 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. 6,430,605 (Hunter) and U.S. Pat. 6,924,781 (Gelbman). Independent claim 45, 70, and 75 cover methods that include selling display time on a data input area of a data input device to a third party. Specifically, claim 45 recites "[a] method comprising ... selling display time on a first one of [one or more] data input areas to a third party." Claim 70 recites "[a] method comprising ... selling display time on at least one [of one or more] data input areas to a third party." And, claim 75 recites "selling display time on at least one of [one or more] data input areas to multiple third parties."

Hunter describes a system for direct placement of commercial advertisements, public service announcements and other content on electronic displays (See, e.g., Hunter at col. 3, lines 28-30). Hunter does not disclose or suggest selling display time on a data input area of a data input device to a third party. In this regard, the Examiner apparently equates Hunter's electronic displays with a data input area, as recited in Applicant's claims. The Examiner finds that "Hunter teaches ... [s]elling display time on a first one of the data input areas to a third party," citing Hunter at col. 5, lines 22-45 and col. 8, lines 20-45. However, none of those cited passages from Hunter discloses anything close to what is understood in the art as a data input area. (Emphasis Added). To the contrary, Hunter describes the purchase of display time for placement of advertising content at selected display locations, which Hunter identifies as roadside electronic displays and point of purchase displays in retail stores. (See, e.g., Hunter at col. 2, lines 19-37).

Nor would a person of ordinary skill in the art have modified Hunter's device to provide such an arrangement. Rather, a person of ordinary skill in the art would likely have been

discouraged from making such a modification due to a perceived impracticality of the use of an input device for road side or retail point of purchase advertisement.

Gelbman describes "a keyboard 98 having a plurality of keys 100. One or more of the keys 100 can have mounted thereon a label 16." (See, e.g., Gelbman at col. 16, lines 54-57; see also FIG. 10). According to Gelbman, "[t]he label 16 can be activated to change or alter the symbols displayed in connection with each key." (See, e.g., id. at col. 16, lines 59-61). However, Gelbman does not remedy the deficiencies of Hunter, as discussed above. In particular, Gelbman does not disclose or suggest selling display time on a data input area of a data input device to a third party. Rather, Gelbman merely suggests that "[t]he keyboard containing the labels can be updated or changes as the application or situation dictates." (See, e.g., id. at col. 17, lines 2-4).

Furthermore, Applicant submits that it would not have been obvious to a person of ordinary skill in the art to modify Hunter's system by replacing one of Hunter's display devices with Gelbman's keyboard. Rather, a person of ordinary skill in the art would likely have been discouraged from making such a modification due to a perceived impracticality of the use of keyboard as a mechanism for displaying advertisements in areas of high vehicular traffic, and/or at indoor and outdoor locations of high pedestrian traffic.

Additionally, taking Gelbman as the starting point, Applicant submits that it would not have been obvious to a person of ordinary skill in the art to modify Gelbman's keyboard in order to display advertisements as described by Hunter. Rather, a person of ordinary skill in the art would likely have been discouraged from making such a modification due to a perceived impracticality of displaying the type of large scale (e.g., 23 x 33 1/2 feet.) commercial advertisements, as taught by Hunter, on a label on a key of a keyboard.

In view of the foregoing discussion, Applicant requests reconsideration and withdrawal of the rejection of claims 45, 47-55, 60-73, and 75-76 as being unpatentable over Hunter and Gelbman.

Claims 78-88 were also rejected 35 U.S.C. §103(a) as being unpatentable over Hunter and Gelbman. Independent claim 78 covers methods that include altering functionality of a data input area of a data input device to provide access to products or services offered by a third party based on data provided by a signal. Independent claim 84 covers methods that include altering functionality of a data input area of a data input device to provide direct access to a third party based on data provided by a signal. Applicant notes that Examiner failed to specifically address these claim limitations with regard to claims 78 and 84. However, at least with regard to claim 65, the Examiner suggested that "Hunter further discloses in column 9 altering functionality of the first one of the data input areas to provide direct access to the third party based on data provided by the signal." (See, e.g., Office Action of September 5, 2007 at page 11). As already addressed above, Hunter does not disclose so much as the data input device, and nothing in column 9 from Hunter discloses anything close to what would be understood as either "altering functionality ... to provide access to products or services offered by a third party," or "altering functionality ... to provide direct access to a third party." Furthermore, despite Examiner's reference to column 9 of Hunter, Examiner goes on to cite column 5, lines 22-45 and column 8, lines 20-45 apparently in an attempt to equate the purchase of time slots by a third party, and/or the sale of time slots to a third party, with "altering functionality ... to provide direct access to a third party." (See, e.g., Office Action of September 5, 2007 at page 11). However, Applicant submits that no reasonable interpretation of "altering functionality ... to provide direct access to a third party," in view of a fair reading of the Applicant's specification, could be so broad as to encompass the sale of advertising time to a third party.

Accordingly, Applicant submits that Hunter fails to disclose or suggest altering functionality of a data input area of a data input device to provide access to products or services offered by a third party based on data provided by a signal, as required by claim 78, or altering functional of a data input area of a data input device to provide direct access to a third party based on data provided by a signal, as required by claim 84. Applicant further submits that Gelbman does not remedy these deficiencies of Hunter. Thus, whether taken alone or in any

proper combination, Hunter and Gelbman fail to disclose or suggest all of the features of the Applicant's claims 78 and 84.

In view of the foregoing discussion, Applicant requests reconsideration and withdrawal of the rejection of claims 78-88 as being unpatentable over Hunter and Gelbman.

Claims 46, 53, 56-57, 74 and 77 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter and Gelbman and U.S. Pat. No. 6,788,294 (Takala). Applicant presumes that this rejection is based upon the Examiner's interpretation of Hunter and Gelbman with respect to independent claims 45, 70 and 75, and submits that Takala fails to remedy the deficiencies of Hunter and Gelbman, as discussed above. Takala describes an adaptable key element that can be used to display patterns such as image and text. (See, e.g., Takala at col. 5, lines 50-60). According to Takala, "[t]he key ... has the characteristic feature that it can be customized whenever necessary, so a separate user interface is not necessary when requirements change." (See, e.g., id. at col. 3, lines 10-14). However, Takala fails to disclose or suggest selling display time on a data input area of a data input device to a third party. Accordingly, Hunter, Gelbman and Takala, whether taken alone or in any proper combination, fail to disclose or suggest each and every limitation of Applicant's claims 46, 53, 56-57, 74 and 77.

In view of the foregoing discussion, Applicant requests reconsideration and withdrawal of the rejection of claims 46, 53, 56-57, 74 and 77 as being unpatentable over Hunter and Gelbman.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as

an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment.

The fee in the amount of $525 for the extension of time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket no. 13159-012001.

Respectfully submitted,

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